

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

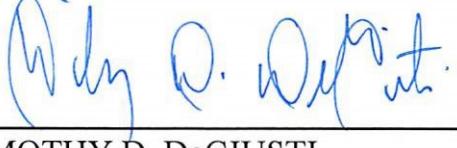
LARRY HOGGATT and)
SHERYL HOGGATT,)
)
Plaintiffs,)
)
v.) Case No. CIV-23-583-D
)
STATE FARM FIRE AND)
CASUALTY COMPANY and)
DON CREEL,)
)
Defendants.)

ORDER

Before the Court is Defendant Don Creel's (Defendant Creel) Motion to Dismiss [Doc. No. 2]. In response, Plaintiffs timely filed an Amended Complaint [Doc. No. 12], as authorized by FED. R. CIV. P. 15(a)(1)(B), and a Response to Defendant Creel's Motion to Dismiss [Doc. No. 13]. Upon consideration, the Court finds that Defendant Creel's Motion directed at Plaintiffs' original pleading is moot. *See Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991) (amended complaint supersedes the original); *see also Predator Int'l, Inc. v. Gamo Outdoor USA, Inc.*, 793 F.3d 1177, 1180-81 (10th Cir. 2015).

IT IS THEREFORE ORDERED that Defendant Creel's Motion to Dismiss [Doc. No. 2] is **DENIED** without prejudice to resubmission, if appropriate, in response to the First Amended Complaint [Doc. No. 12].

IT IS SO ORDERED this 26th day of July, 2023.



TIMOTHY D. DeGIUSTI
Chief United States District Judge